



STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0023

PAUL R. LEPAGE  
GOVERNOR

WILLIAM H. BEARDSLEY  
DEPUTY COMMISSIONER

EXHIBIT: #VI.A.

TO: Members of the State Board of Education

FROM: William H. Beardsley, Deputy Commissioner\*

DATE: October 12, 2016

SUBJECT: Proposed Changes to Chapter 115, "Certification, Authorization and Approval of Education Personnel"

**BACKGROUND:**

1. On April 6, 2016 the Maine Department of Education received a letter from the US Department of Education, Office of Special Education which reflected the impact of the Every Student Succeeds Act (ESSA) on the Individuals with Disabilities Education Act (IDEA) Part B application. ESSA reactivated an IDEA statutory provision that requires that special education teachers be fully certified. The Office of Special Education Programs (OSEP) is requiring that Maine change the Chapter 115 regulation by June 30, 2017 to change the certification types that are not full certifications. As Department staff began meeting late this summer to address the OSEP concerns we realized that there were components of Chapter 115 that needed to be revised for all educators.
2. As a result the Department has begun refinements in the following manner:

**Overarching concepts**

- Align with state statute
- Streamline the certifications to be easier for the field and easier to process on the state level
- Delete unnecessary or duplicative sections of the regulation
- Enhance the ability to use a streamlined Alternate Pathway by having an approved internship student teacher course done during employment in a district, as well as approved courses to allow the field to understand what is acceptable

**Sampling of the specifics**

- Streamline the Targeted Need, Transitional and Provisional Certifications to just Conditional and Professional. Conditionals will address the ones that reflect that the person has additional steps to meet Professional.

- Conditionals will be for three years without yearly check ins to the Certification Office
- Have renewals occur at five years from date of initial approval, so the renewals will flow throughout the year, rather than summers.
- Administrative certificates – refine renewal and allow interstate reciprocity
- Delete the section on Substitute Personnel, allow the school administrative units to address the substitute needs of their SAUs.
- Examine all the current certifications and endorsements with an eye to decrease the number and consolidate to allow more flexibility on the SAU level

3. The Governor’s Office has given preapproval to undertake the rulemaking process.

4. The Certification and Higher Education Committee of the State Board voted on September 28, 2016 to support the promulgation of refinements to Chapter 115. The Committee has been kept apprised of the need to update the regulation since last Spring.

RECOMMENDATION: The State Board of Education’s Certification and Higher Education Committee recommends that the State Board of Education support the Initiation of rulemaking for Chapter 115.

\* Prepared by: Robert Hasson, Director of Certification, DOE  
Jaci Holmes, Federal Liaison, DOE